

Department of Community Development Staff Report

PROPERTY OWNER: North Forty Aspen Plus, LP

APPLICANT: North Forty Aspen Plus, LP

LOCATION: 6206 Aspen Way, Bealeton

DISTRICT: Lee District

PIN: 6899-35-8059-000

ACREAGE: 9.98 Acres

ZONING: Planned Residential Development (PRD) with Proffers

LAND USE: Bealeton Service District – High Density Residential (HDR), 7-20 Units per Acre

MEETING DATE: March 11, 2021

REQUEST: REZN-19-012268: An application to rezone approximately 9.98 acres from Planned Residential Development (PRD) with proffers to Garden Apartment (GA) with proffers.

OUTSTANDING ISSUES: Staff has identified two areas, both related to open space, in which the Board of Supervisors should pay particular attention.

1. The Reynard's Crossing proffers (approved in 1999) apply to the subject property and surrounding properties. They required 14.93 acres of open space be provided with Phase 4 (now known as Aspen Club and Aspen Village) of the development and also required a minimum of 33.899 acres of open space to be provided for the overall PRD (which includes Aspen Club, Aspen Village and Cedar Brooke) portion of the development. When Phase 4A (Aspen Club) was rezoned to Garden Apartments (GA) on May 10, 2018 (REZN-18-008769) the overall PRD open space provided was reduced to 34.17 acres (25.67 in Phases 5 – 9, Cedar Brooke and 8.5 acres in Phase 4B, Aspen Village). The proposed rezoning to GA would make the remaining PRD development non-compliant with the proffers by reducing the open space below the 33.899 acres required.

The Board of Supervisors should consider if it is appropriate to approve this application, while knowing that it would result in a previous approval becoming non-compliant. Please see Project History and Zoning comments, below, for additional information.

2. Development within the GA zoning district requires that a minimum of 30% of the area be common open space. The application shows 64.6% (6.45 acres) of the property as being open space; however, a majority of the provided open space will be occupied by the stormwater management facilities and the related drainage infrastructure needed to serve the development. The remainder of the open space is located around the perimeter of the property and primarily contains vegetation used to screen it from neighboring properties, or is space between the structures and parking areas.

Section 2-309.7 of the Zoning Ordinance places the authority of administration of the open space provisions with the Planning Commission and grants it the authority to determine whether the lands qualify as open space. A majority of the Planning Commission determined that the 30% Common Open Space requirement was not able to be met with lands which they believed qualify as open space. Please see Zoning Ordinance Analysis and Zoning comments, below, for additional information. Staff would note that following the Planning Commission's determination and initial Board of Supervisors public hearing, the Applicant has added several amenities to the Concept Development Plan. See Topic Update, below.

RECOMMENDATION: The Planning Commission voted 3 to 1, with one member absent, to recommend denial of Rezoning REZN-19-012268. It believed that the application is unable to meet the applicable provisions of the Zoning Ordinance.

A Resolution to Deny REZN-19-012268 as well as an Ordinance to Approve REZN-19-012268 have been prepared for the Board's consideration.

Topic Update:

Following the Board of Supervisors' public hearing on November 12, 2020, the Applicant submitted a revised Statement of Justification, revised Proffer Statement and a revised Concept Development Plan. Generally, the Proffer Statement increases the amount of the per unit contribution to the Department of Fire Rescue and Emergency Management (DFREM) and the Sheriff's Office. It also now commits the Applicant to rehabilitating and renovating the existing units at Aspen Village and Aspen Club prior occupancy permits for any of the new units. The Concept Plan adds several amenities

to the open space areas, provides a new open space area calculation, and addresses comments from DFREM. Please see below for the specific changes:

Proffer Statement

- The Applicant's total proposed contribution has been increased to \$6,150 per unit. This is an increase of \$4,000 from the previous amount of \$2,150. The project's new total contribution is \$295,200, which is an increase of \$192,000 from the previous amount of \$103,200.
 - The Applicant's proposed contribution for capital impacts to the Sheriff's Office increased \$778 per unit, from \$320 to \$1,098.
 - The Applicant's proposed contribution for capital impacts to DFREM went up \$3,222 per unit, from \$865 to \$4,087.
- The Applicant is now proffering to rehabilitate and renovate the existing 30 duplex units on the property and the 108 apartment units on the adjacent Aspen Club property prior to any occupancy permits being issued for any of the additional units.
 - At Aspen Village, the Applicant is committing between \$1.1 and \$1.5 million towards the renovations of the existing duplex buildings, the 30 units and the development's infrastructure.
 - At Aspen Club, the Applicant is committing between \$3.4 and \$4.5 million dollars towards the renovations of the existing apartment complex, the units and apartment complex's infrastructure.

Concept Development Plan

- The following amenities have been added to the project's open space areas:
 - Four picnic tables each with a grill and three benches have been added along the existing trail which connects Aspen Village and Aspen Club.
 - A private dog park (for use by the residents) has been added near the northern property line between the existing duplex units and proposed multi-family units.
 - A community garden was added in the southeastern portion of the property, adjacent to a proposed bio-retention area.
- The Applicant revised the project's open space calculation, and increased the project's open space from 5.0 acres to 6.45 acres. The additional area comes from the inclusion of the space around and between the existing duplex units.
- A gate with Knox box has been added between existing Aspen Way and the proposed parking/access road which connects to Station Drive. This would restrict vehicular traffic, except in emergency situations, from traveling between the existing duplex units and the proposed multi-family units.
- A fire access lane/turn around was added at the end of the parking between the two proposed multi-family buildings.

Topic Description:

North Forty Aspen Plus, LP (Owner/Applicant), is seeking to rezone 9.98 acres from the existing Planned Residential Development (PRD) with proffers to Residential - Garden Apartment (GA) with proffers. The property generally known as Aspen Village, is an affordable housing complex in Bealeton. Aspen Village currently includes 30 single-family attached (duplex) residential units, at a density of 3.0 units per acre that were developed as a part of the previous Reynard's Crossing

approvals. This request would allow for the development of an additional 48 multi-family units in two three-story apartment buildings, with 24 units each. To offset capital facility impacts, the Applicant has proffered to contribute \$6,150 for each of the proposed 48 multi-family dwelling units to be constructed at Aspen Village. The cash contribution is to be paid prior to issuance of any Certificate of Occupancy for each unit and will total \$295,200 for the project.

The new buildings are proposed to be integrated into the existing complex's open space area adjacent to Station Drive. They will be similar, in terms of architectural design and materials, to the existing apartment buildings on the adjacent Aspen Club property. It is envisioned that all apartments will be two bedroom units with two full bathrooms. The Applicant believes that the construction of the new buildings will have very little impact on the surrounding community, as they are infill development and a continuation of the existing community. Additionally, the Applicant states that the multi-family apartments and single-family attached townhouses provide a good transition between the commercial uses along Route 17 and the surrounding single-family detached subdivisions along the eastern edge of the Service District. In addition to the new buildings, the Applicant is proposing to construct a new entrance onto Station Drive. This drive will contain the needed parking for the new units and allow for gated emergency access to the existing units. The new buildings and related infrastructure will be constructed in a single phase. The Applicant is proposing to add picnic tables with grills, benches, a private dog park, and community garden to the open space areas within Aspen Village. Additionally within Aspen Club, a tot lot, walking trails and a pool with a pool house are, and will continue to be, available for the Aspen Village residents to use.

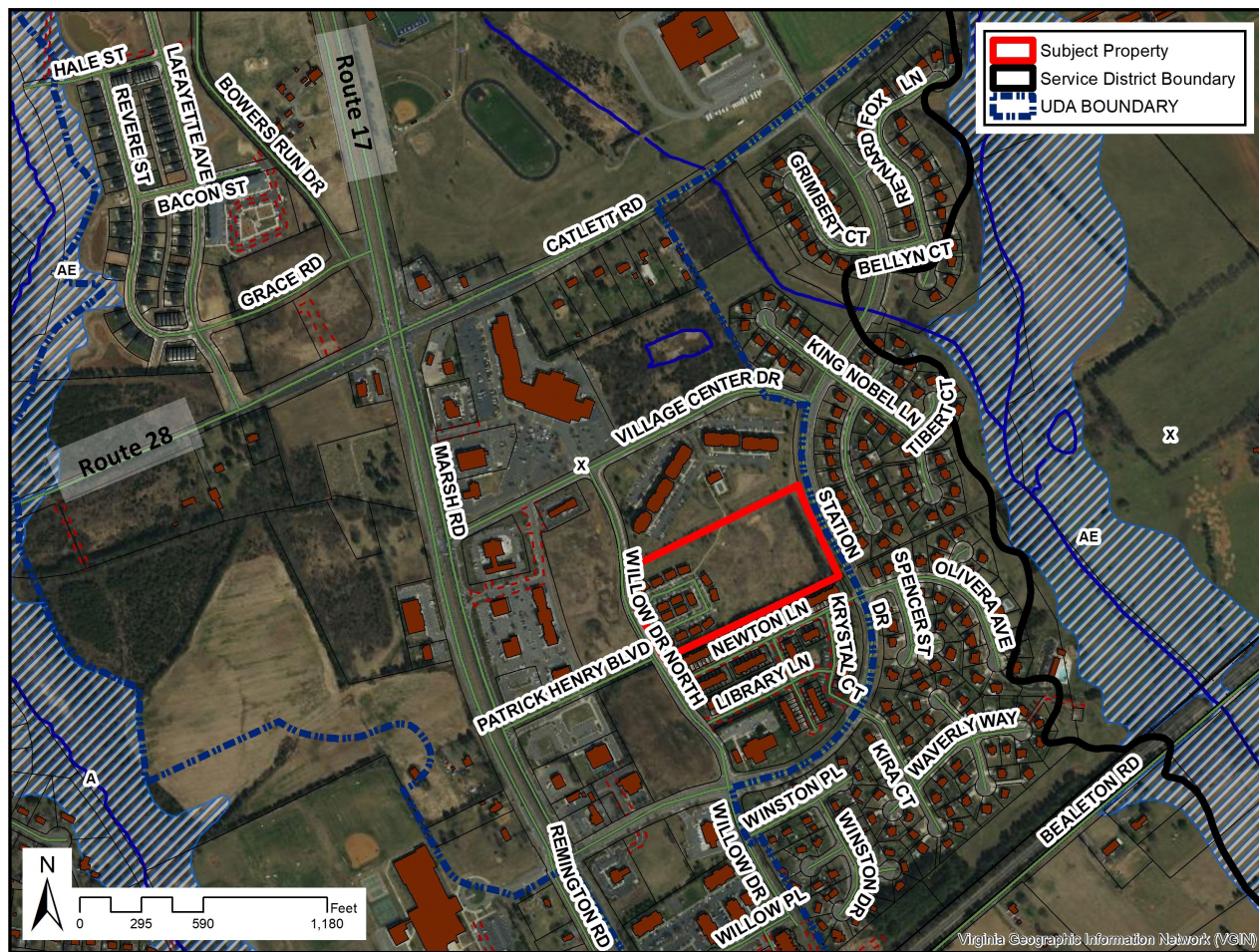
Aspen Village will remain a rent controlled community. The Applicant has stated that the proposed new buildings and related development will be financed through Virginia Housing (formally known as VHDA) or a similar agency, and all of the units will be rent controlled. A regulatory agreement between Aspen Village and Virginia Housing sets forth the operational parameters for the community, including what potential renters may be charged based on income levels. All the units in the development are required to be occupied by individuals and families whose incomes do not exceed sixty percent (60%) of the area's median gross income. This allows the Applicant to provide affordable housing opportunities to Fauquier County. A copy of the regulatory agreement is located within the Fauquier County Land Records in Deed Book 880, Page 1605.

The Applicant believes that the application is in conformance with both the Fauquier County Comprehensive Plan and the Bealeton Service District Plan; as the proposal is located within an area designated for high density residential growth (up to 20 units per acre). Furthermore, the Applicant states that the project is located within the core of the Bealeton Service District, directly adjacent to the planned Town Center where public facilities and utilities are readily available with capacity to serve the development. The Applicant states that permitting additional density at Aspen Village should help in the County's efforts in developing the desired town center by creating the necessary density to support a town center development model.

The Applicant concludes that for Bealeton to grow and evolve into the community desired in the Comprehensive Plan, additional residential growth is necessary. They further state that Aspen Village provides a unique opportunity for infill development that is compatible with the surrounding community. Lastly, the Applicant believes that Aspen Village provides affordable housing in a

marketplace where little affordable housing exists, and that the creation of 48 affordable units will benefit Fauquier County with little to no demand on services.

Regional Aerial Map



Board of Supervisors' Action on November 12, 2020:

On November 12, 2020, the Board of Supervisors discussed this item at its agenda review and conducted a public hearing. The Applicant's representative, Mr. Chuck Floyd, was the only speaker. Mr. Floyd requested a postponement of up to 90 days to allow the applicant time to address concerns regarding open space and to review proffers. After a brief discussion, the Board of Supervisors voted unanimously to continue the public hearing and postpone action on this matter for up to 90 days. On January 22, 2021, the Applicant's representative requested that the public hearing be postponed an additional 30 days to allow for continued refinement of the application.

Planning Commission Action on October 15, 2020:

On October 15, 2020, the Planning Commission discussed this item at its work session and conducted a public hearing. The Applicant's representative, Mr. Chuck Floyd, was the only speaker. Mr. Floyd

stated that Aspen Village and the neighboring Aspen Club essentially function as one development, and that the pool and tot lot at Aspen Club are available to the Aspen Village residents. Additionally, he added that he believes the 48 proposed units are a better use of the property, from both a County perspective and ownership perspective, than the unimproved open space which exists today.

After the public hearing and a brief discussion, the Planning Commission voted 3 to 1, with one member absent, to recommend denial of the Rezoning application. Those who supported the motion generally supported the idea of additional affordable housing, but felt the open space requirements were not being met and that an increase in density should also offer an increase in amenities. The Commissioner who did not support the motion thought the location was appropriate for the development, there is an unmet need for affordable housing, and the open space provided was adequate.

Site Aerial Map



Project History:

The subject property constitutes Phase 4B of the approved Reynard's Crossing Rezoning Concept Development Plan. The larger property has a complicated rezoning and development history. In 1990,

the subject property was part of the initial Reynard's Crossing Rezoning, which rezoned 104 acres to the Commercial - Shopping Center Community/Regional (C-3), Commercial – Neighborhood (C-1), Residential - Townhouses (TH) and Residential - 4 Dwelling Units/Acre (R-4) Zoning Districts. This approval permitted a total of 206 single-family units and 170,000 square feet of commercial space.

In 1999, a Rezoning Amendment was approved for the Reynard's Crossing project, changing the zoning to Commercial – Highway (C-2) and Planned Residential Development (PRD). This amendment increased the allowable residential units by 34 to a total of 240 residential units at a density of 2.82 dwelling units per acre. Commercial development was proposed for 15 acres of Reynard's Crossing. The proffers require a minimum of 33.899 acres of open space be provided. Additionally, Phase 4 (now known as Aspen Club and Aspen Village) was required to contain 14.93 acres of open space, and Phases 5 through 9 (now known as Cedar Brooke Subdivision) were required to contain 18.97 acres of open space.

The residential portions of Reynard's Crossing, as permitted by the 1999 Rezoning Amendment, have been essentially built-out. This includes 100 of the 100 permitted single-family detached units in the Cedar Brooke Subdivision, at a density of 1.52 units per acre with 25.67 acres of open space; 30 of the 30 permitted PRD units (single-family attached) in Aspen Village, at a density of 2.96 units per acre with 8.5 acres of open space; and 108 of the permitted 110 PRD units (apartments) in Aspen Club, at a density of 10.78 units per acre with 6.77 acres of open space.

Subsequent Rezoning Amendments were approved in 2003 and in 2005. The 2003 change allowed either townhomes or multi-family to be built on Phase 4A. In 2005, the commercial portion of the property was rezoned to C-1, and approved for commercial uses with some upper floor dwelling units. The commercial portions of Reynard's Crossing have developed as Liberty Station, which includes approximately 35,000 square feet of the permitted 72,000 square feet of commercial space.

On May 10, 2018, the Board of Supervisors approved Rezoning application (REZN-18-008769) for the adjacent Aspen Club property. This application removed approximately 10.154 acres, zoned Planned Residential Development (PRD) with proffers, from Reynard's Crossing and its approvals, and rezoned the property to Garden Apartment (GA) with proffers which stand alone. This approval allowed for 24 additional multi-family units to be constructed in a new three story building. It also required 5.30 acres of open space be maintained on the property. The associated Proffer Statement includes a contribution of \$2,150 for each of the units to mitigate the capital facility impacts related to fire and rescue, emergency services, law enforcement, and parks and recreation; and to complete between \$3.4 and \$4.5 million dollars to renovate and rehabilitate existing residential units and infrastructure.

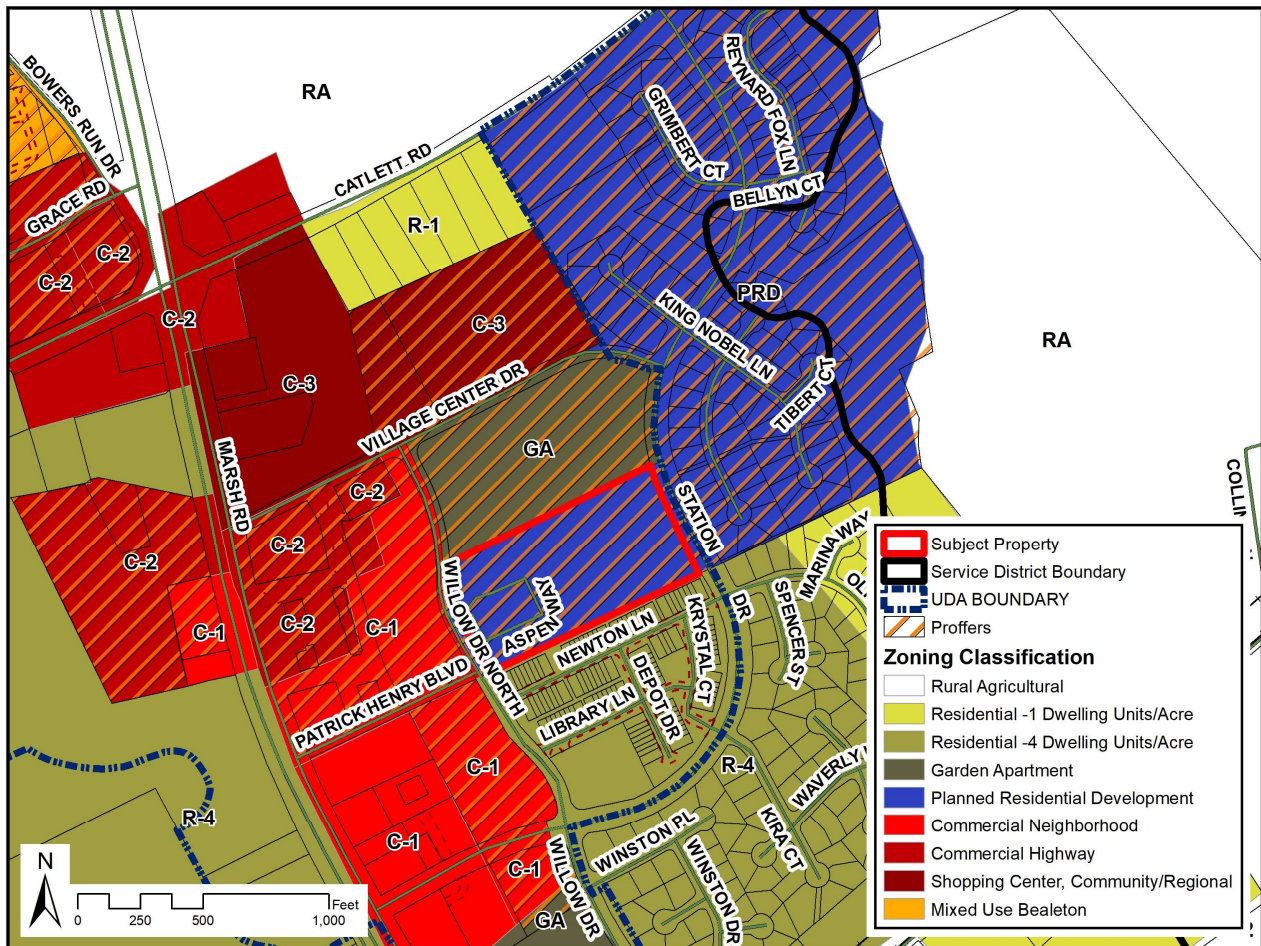
It should be noted that the 2018 Rezoning approval reduced the overall PRD open space (by removing Phase 4A – Aspen Club) to 34.17 acres, with 25.67 being within the Cedar Brooke Subdivision (Phases 5 – 9) and 8.5 acres within Aspen Village (Phase 4B). The proposed rezoning of Aspen Village to GA would make the remaining PRD development non-compliant with the proffers by reducing the open space below the 33.899 acres required.

Location, Zoning and Current Land Use:

The 9.98-acre property is generally known as Aspen Village and located at 6206 Aspen Way, Bealeton. The property is zoned PRD and currently subject to proffers approved with the Reynard's Crossing rezoning, which will be replaced should this application be approved. A copy of the property's approved proffers has been attached for reference.

Aspen Village has been developed with 30 single-family attached residential units, at a density of 3.01 units per acre. The units are distributed between 15 individual 2-story duplexes, which are located on the western half of the property, close to Willow Drive North. All of the units have three bedrooms and two bathrooms. Parking for each of these units is provided in front of each structure. The eastern half of the property, near Station Drive, is undeveloped/un-programmed open space.

Location/Zoning Map



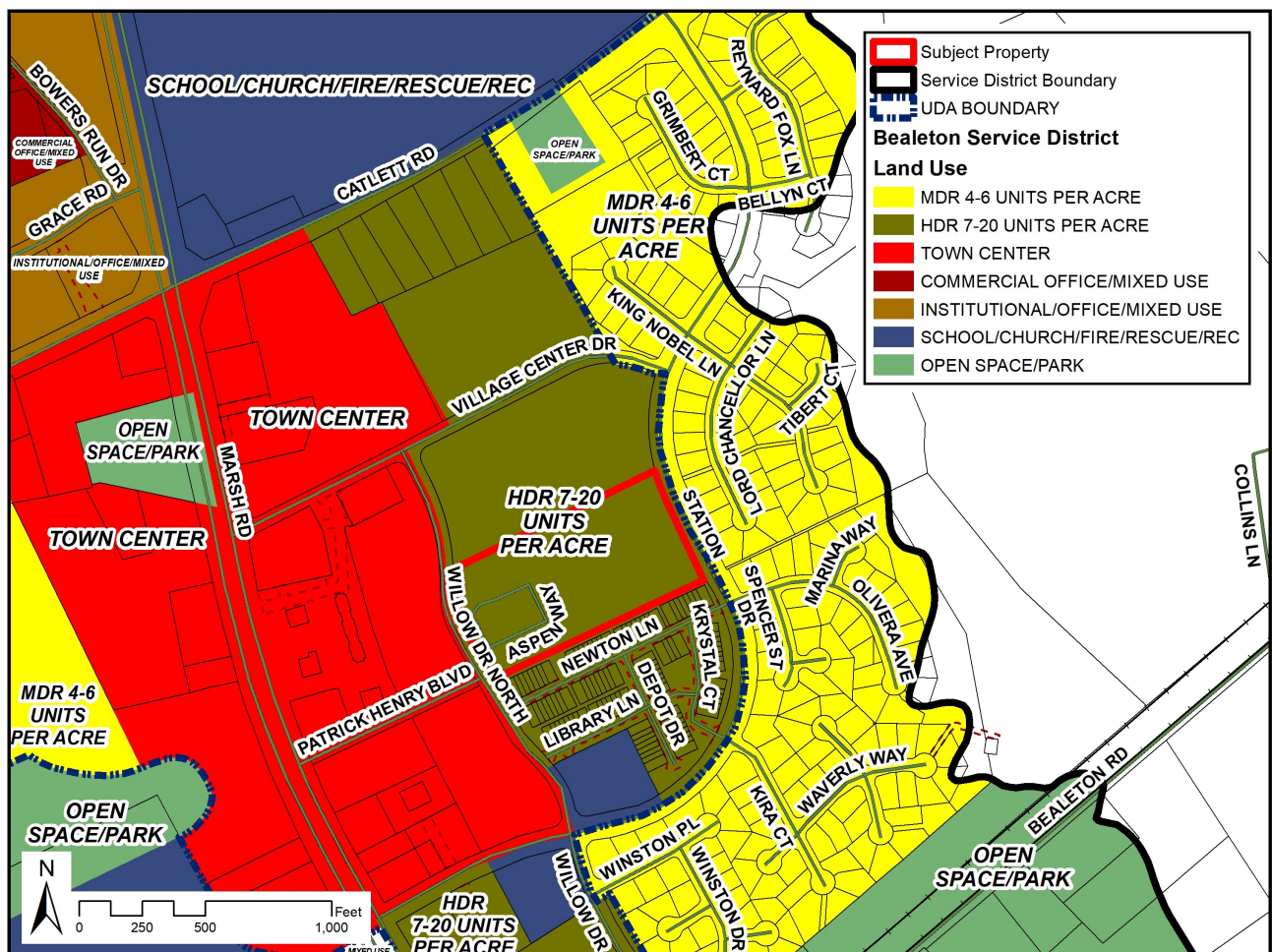
Surrounding Zoning and Current Land Use:

The areas surrounding the subject property are zoned Planned Residential Development (PRD), Garden Apartment (GA), Residential: 4 Dwelling Units per Acre (R-4), Commercial – Neighborhood

(C-1), Commercial – Highway (C-2) and Commercial - Shopping Center Community/Regional (C-3). The PRD properties to the east are the Cedar Brooke Subdivision, which consists of 100 single-family detached residential units. The GA property to the north is Aspen Club, which currently includes 108 multi-family residential units, a density of 10.7 units per acre. The approval of REZN-18-008769, in May 2018, allows for an additional 24 units to be constructed at Aspen Club. Once these units are constructed, there will be a total of 132 units at a density of 13 units per acre at Aspen Club. South of the subject property is a portion of Bealeton Station Phase 4, which is zoned R-4. This area has been developed with 104 front loaded townhomes.

To the west is Liberty Station, which is zoned C-1 and C-2. Liberty Station has been developed along Marsh Road (Route 17) and Village Center Drive (Route 859) as commercial pad sites and strip commercial. Businesses at Liberty Station include: Dale's Car Wash, Dairy Queen/Liberty Gas Station, Subway, Haymarket Cleaners, Virginia ABC, El Agave, Advance Auto Parts, Grioli's, as well as others. A 5.5-acre portion of Liberty Station along Willow Drive North (Route 1077) and north of Patrick Henry Boulevard (private) remains undeveloped.

Land Use Map



Comprehensive Plan/Land Use:

The property is within the Town Center portion of the Bealeton Service District. It has a land use designation of High Density Residential (HDR), planned for between seven and 20 units per acre. The property is also within the designated Urban Development Area (UDA) of Bealeton. The Bealeton Town Center is planned to be a mixed-use commercial core surrounded by a mix of institutional and office uses as well as a mix of higher density residential uses. Housing in Bealeton is envisioned to range in size, type and price - apartments over shops, apartments for the elderly, townhouses, and lower density single-family detached housing in neighborhoods further away from Route 17. The Service District Plan also suggests that small parks, including pocket parks should be provided throughout the Town Center by developers for use by both residents and businesses. The inclusion of small open spaces is thought to be a critical component as the likely housing types typically do not have large yards.

The Bealeton Service District Plan also contains general town center guidelines and design principles appropriate for a traditional town. These guidelines and design principles are based on Traditional Neighborhood Design (TND) standards which are important to follow to meet Bealeton's overall development vision. One of the key components is complete streets with street trees, sidewalks, on-street parking, and buildings being placed close to the street. Another component which is frequently mentioned is creating a pedestrian friendly environment and making uses and neighborhoods accessible to the pedestrian. Additionally, the Fauquier County Connections Plan (Comprehensive Plan - Chapter 10) shows a network of planned trails for the Bealeton Service District, which includes a pedestrian trail along the subject property's northern border and along the property's Station Drive frontage.

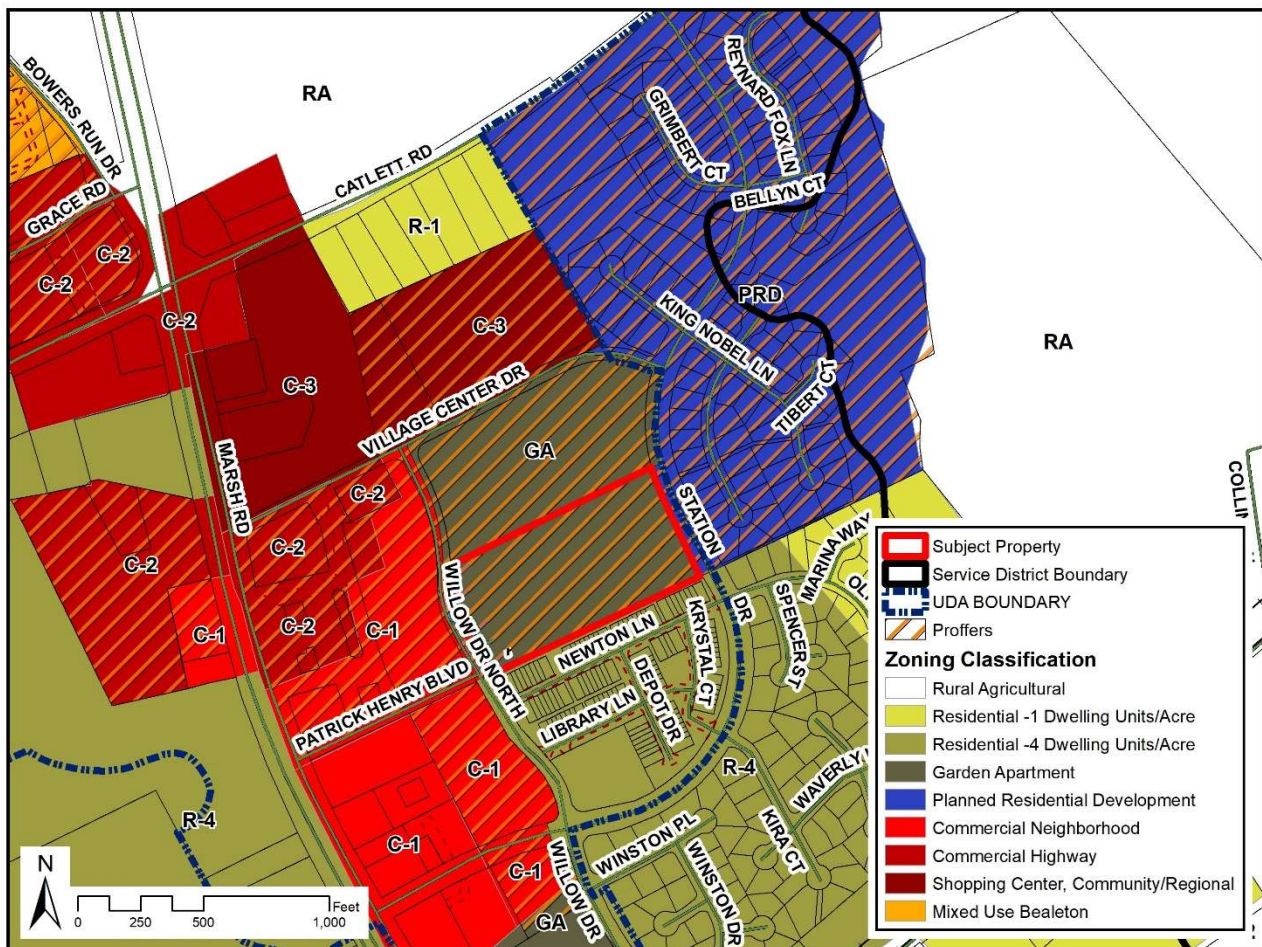
As mentioned previously, this portion of the property is within the Urban Development Area (UDA) of Bealeton which is anticipated to be an area of higher density with reasonably compact development that can accommodate 10 to 20 years of projected growth. The Comprehensive Plan states that UDAs are for compact, mixed use development, with residential densities of at least 12 units per acre for multi-family development. It goes on to state that in implementation, densities and intensities for individual parcels or groups of parcels may be higher or lower than the general standards, as long as they are met in some combination within the UDA area as a whole. The UDA portion of the Comprehensive Plan also includes statements and concepts which reinforce urban mixed-use development with traditional town design principles.

Proposed Rezoning Analysis:

This application is seeking to rezone 9.98 acres from the existing Planned Residential District (PRD) with proffers associated with Reynard's Crossing to Residential - Garden Apartment (GA) with proffers which would stand alone and be applied independently and solely to the subject property. This request, if approved, would allow for the development of an additional 48 multi-family units in two three story apartment buildings (24 units in each building). Section 13-210 of the Zoning Ordinance gives additional guidance when reviewing and considering approval of Rezoning applications; it states:

“Proposed amendments shall be considered with reasonable consideration of the existing use and character of the area, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the County as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community and the County and the requirements for schools, parks, playgrounds, recreation areas and other public services; for the conservation of natural resources and preservation of floodplains; and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County. These considerations shall include, but not be limited to, Comprehensive Plans or parts thereof, capital improvements programs, relation of development to roads or road construction programs, proximity of the development to utilities and public facilities, the existence of an Agricultural and Forestal District created pursuant to Chapter 36 of the Code of Virginia, and any applicable standards contained in Article 5.”

Proposed Zoning Map



The Comprehensive Plan, within the Chapter 6 – Service Districts: Introduction, also offers further guidance to be considered with Rezoning applications. It suggests that rezonings should occur when

the Applicant can demonstrate how the proposed zoning meets the intent of the Plan more effectively than the by-right zoning. The Comprehensive Plan also states that residential applications are expected to be presented at the low end of each density range for the specified Service District location. It goes on to state that applications above the low end density range should justify those increases with the:

1. Provision of affordable housing (low/moderate income housing); and/or
2. Elimination of lot subdivision potential through easements (Purchase of Development Rights) on: (a) Rural Agricultural (RA) and Rural Conservation (RC) zoned properties generally located within the Service District's magisterial district; (b) property designated as parkland or marked as a hard open space edge along the Service District boundary within the Service District plan; or (c) a critical future transportation corridor designated by the Board of Supervisors needing protection from further development; and/or
3. Implementation of unique town-scaled designs consistent with the adopted Service District plan; and/or
4. Other combinations other than cash/material contributions to the needs of the County.

The Board of Supervisors should consider these matters when making its decision. Particular attention should be paid to the existing use and character of the area; the character for the area as envisioned in the Bealeton Service District Plan; and the requirements for schools, parks and recreation areas, as well as other public services. The Board should also evaluate if the proposed zoning meets the intent of the Plan more effectively than the by-right zoning, and further if the Applicant has justified an increase in density above the low end density range envisioned in the Comprehensive Plan.

Capital Impact Model

The Applicant's Statement of Justification acknowledges that the project will have capital impacts to Parks and Recreation, and that moderate and low-income housing development can have increased impacts (above a market rate housing development) to the Sheriff's Office and Fire, Rescue and Emergency Management. As such, they have proffered financial contributions which they believe adequately off-set any impacts caused by the development. The Applicant believes that the current public school facilities have adequate capacity to accommodate the students generated by this proposal; and therefore, have not proffered any financial contributions toward the public school facilities. See Applicant's proffered contribution below:

Proffer Categories	Cost per Unit	Project's Total (48 Units)
Public Schools	\$0.00	\$0.00
Parks & Recreation	\$965.00	\$46,320.00
Sheriff's Office	\$1,098.00	\$52,704.00
Fire, Rescue & Emergency Management	\$4,087.00	\$196,176.00
TOTAL DEVELOPMENT	\$6,150.00	\$295,200.00

The application was analyzed in a capital impact model developed for Fauquier County by TischlerBise. The attached report is for informational purposes only and details the estimated capital facility impact of the development proposal. It should not be considered a negotiation, a request, a suggestion or demand for proffers on the part of Fauquier County.

The model estimates impacts that are directly attributable to the proposed new development while also taking into account existing capacities within constructed public facilities. The model evaluates capital impacts for the following categories of public capital improvements: (1) Public Schools; (2) Libraries; (3) Parks and Recreation; (4) General Government; (5) Sheriff and Emergency Services; (6) Courts; (7) Fire and Rescue; (8) Environmental Services/Solid Waste; (9) Water; and (10) Sewer (County Funded Projects).

The model provides two sets of outputs. The first represents the full capital impact of the proposed development on the ten capital facility categories listed above. This estimate utilizes a per capita impact approach and assigns a proportionate share cost to each citizen based on the County's actual level of service in each public facility. The second set of outputs incorporates the State's legislation mandate that new development cannot contribute cash proffers for existing capacity within a public facility system. This analysis looks at the capacity within the County's public facilities as well as the geographic location of that capacity and identifies where new development will directly trigger a need for additional capital infrastructure. In accordance with State Code, only the categories of Public Schools, Parks and Recreation, Public Safety (Sheriff and Emergency Services and Fire and Rescue) and Transportation are eligible for cash proffer contributions from proposed development to mitigate their impacts.

Staff would note that the Applicant's proposed contributions to Parks and Recreation are generally consistent with the amounts identified by the County's Capital Impact Model, and the proposed contributions to the Sheriff's Office and Fire, Rescue & Emergency Management are significantly above the amounts identified by the County's Capital Impact Model.

Proffers

A Proffer Statement has been submitted by the Applicant as a part of the Rezoning application. The Proffer Statement generally commits the project to being developed consistent with the Concept Development Plan (CDP). Development of the property is limited to 48 multi-family units in a maximum of two buildings that are not greater than three stories in height; and 30 single-family attached dwelling units in a maximum of 15 buildings (which exist on the property). The Applicant has also committed to connecting to public water and sewer at their expense, and confirmed that all open spaces will be constructed and maintained by the Applicant or owners' association.

As mentioned above, the Proffer Statement also includes a contribution of \$6,150 for each of the proposed 48 multi-family dwelling units to mitigate the capital facility impacts related to fire, rescue and emergency services (\$4,087 per unit); law enforcement (\$1,098 per unit); and parks and recreation (\$965 per unit). The cash contribution is to be made prior to issuance of any Certificate of Occupancy for each unit, and will total \$295,200 for the project.

Lastly, the Applicant has proffered to rehabilitate and renovate the existing 30 duplex units on the property and the 108 apartment units on the adjacent Aspen Club property prior to any occupancy permits being issued for any of the additional units. At Aspen Village, the Applicant is committing between \$1.1 and \$1.5 million towards the renovations of the existing duplex buildings, the 30 units and the development's infrastructure. At Aspen Club, the Applicant is committing between \$3.4 and \$4.5 million towards the renovations of the existing apartment complex, the units and apartment complex's infrastructure.

Concept Development Plan (CDP)

The CDP, which was included as part of the Rezoning application materials, shows the existing development on the property and proposes two new three story garden apartment buildings in the center of the property. A new private access drive with parking on both sides is proposed along the southern portion of the property. This drive provides access from Station Drive for the new units, and also provides gated emergency access to the existing duplex units. The new buildings are proposed to be linked to the existing development, adjacent Aspen Club and Station Drive, by sidewalks which connect to the existing internal sidewalk network. The area not occupied by existing or proposed development (buildings, parking/circulation area) is designated as open space. Within the open space areas, the Applicant is proposing to add four picnic tables each with a grill, benches, a private dog park, and a community garden.

Transportation

The proposed 48 additional dwelling units would add approximately 318 trips per day to the local street network. Due to a proposed gate which limits access between the new and existing development area to emergency use only, this new traffic will use Station Drive for access. According to the Virginia Department of Transportation's ("VDOT") 2019 Daily Traffic Volume Estimates Jurisdiction Report for Fauquier County, Station Drive (between Willow Drive and Route 28) has an Annual Average Daily Traffic ("AADT") of 2,800 vehicle trips per day, which was last calculated in August of 2015. This project would account for an 11.4% increase in traffic from the new units.

Station Drive is classified as a Collector Road in the Bealeton Service District Transportation Plan (Figure 10-BE-1). It serves the entire community by providing a connection point between Marsh Road (Route 17) and Catlett Road (Route 28), with existing traffic signals providing control at both of the intersections. Additionally, there is another traffic signal at the intersection of Village Center Drive and Marsh Road (Route 17). Station Drive currently has two 12 foot travel lanes within a 100' foot right-of-way. The current lanes are located along the eastern half of the right-of-way, which would then allow for two future lanes to be constructed on the western half of the right-of-way at such time they were needed.

It is believed that the local road network can adequately accommodate the additional trips generated by the proposal. If improvements such as turn lanes, deceleration lanes, or sight distance modifications are needed at the project's entrances they will be the responsibility of the Applicant at the time of Site Plan. It should also be mentioned that VDOT did not express any concerns over the ability of the existing street network to accommodate the additional units.

Utilities

Public Utilities for the site are provided by the Fauquier County Water and Sanitation Authority (FCWSA). It is believed that adequate water and sewer service is available to serve the proposed project.

Stormwater Management

A preliminary Stormwater Management Concept Plan was submitted with this application. The County's engineer reviewed the proposal and determined that the stormwater could be accommodated as proposed. The future Site Plan review will ensure that the facilities are adequate for the proposed development.

Site Suitability/Environment

This property appears to be suitable for the type of development proposed; there are no known limiting environmental features or restrictive site development elements. There are no significant landscape features or vegetated areas.

Cultural and Historic Resources

There are no known cultural or historical resources on the property.

Natural Resources

There are no known environmentally sensitive lands on the property.

Zoning Ordinance Analysis:

The Garden Apartment (GA) District is intended to promote and maintain multi-family residential communities at various densities and to permit non-residential uses consistent with the density and character of the district. These districts are restricted to those areas designated as Service Districts in the Comprehensive Plan and require the provision of central water and sanitary sewer systems. The proposed use, multi-family dwellings, is permitted in the GA District. Below are some of the specific Zoning Ordinance (ZO) requirements of the GA District, with a staff evaluation of how the requirement is being met following in *italics*:

- §3-401 - Maximum allowable density of 13 dwelling units per acre.

The property is 9.9828 acres, and the Proffer Statement limits the development to a maximum of 78 units, 48 multi-family units and 30 single-family attached units. This equates to a density of 7.81 dwelling units per acre, which is permissible.

- §3-406 - Maximum building height of 35 feet.

The proffers limit the buildings to a maximum of three stories, and state that the architectural style and building materials will be consistent for all buildings (existing and proposed) within Aspen Club. Staff believes that this requirement can be met.

- §3-407 - Maximum Lot Coverage requirement of 20 percent.

The Applicant calculated that the existing buildings cover approximately 6.4% of the property, and the proposed new building would cover approximately 4.5% of the property. This equates to approximately 10.9% lot coverage, which meets the Zoning Ordinance requirements.

- §3-408 – Minimum Common Open Space requirement of 30 percent.

Common Open Space is to be designed and set aside for the use and enjoyment by all residents or occupants of the development. It cannot include any part of driveways, parking lots or other vehicular surfaces, buildings nor drainage areas so that it has no substantial value as open space. The Applicant calculated that the project will provide 6.45 acres (64.6% of the property) of open space.

The Zoning Ordinance, Section 2-309.7, places the authority of administration of the open space provisions with the Planning Commission and grants it the authority to determine whether the lands qualify as open space (see Zoning comments below). A majority of the provided open space will be occupied by the stormwater management facilities and the related drainage infrastructure needed to serve the development. The remainder of the open space is located around the perimeter of the property and primarily contains vegetation used to screen it from neighboring properties, or is space between the structures and parking areas. Within the open space areas, the Applicant is proposing to add picnic tables with grills, benches, a private dog park, and a community garden. It should also be noted that the Applicant has indicated that the residents of Aspen Village have access to the existing community building/pool house and tot-lot at Aspen Club, which can be accessed internally by a five foot sidewalk which connects the two properties.

A majority of the Planning Commission determined that the proposal could not satisfy the 30% Common Open Space requirement with lands which they believe qualify as open space. The Board of Supervisors is advised to consider the Planning Commission's conclusion when determining its action on the application. Staff would note that following the Planning Commission's determination and initial Board of Supervisors' public hearing, the Applicant has added several amenities to the Concept Development Plan. See Topic Update, above.

- §3-506.2 – Not more than 24 dwelling units shall be contained in a single apartment building.

Neither of the proposed buildings exceed this requirement.

- §3-506.3 – A separate entrance to a public street shall be provided for each thirty (30) dwelling units.

The existing development has one entrance to Willow Drive and a second entrance to Station Drive is proposed with the new multi-family development. With the total proposed 78 units, the number of entrances required would exceed two, but not reach the trigger for three. Therefore, with two entrances, this requirement is satisfied.

- §7-103.3 – Minimum Parking Required: Two (2) spaces per unit; Plus one (1) space, on or off-street, per each three (3) units for visitors; plus one (1) space per each five (5) units for parking of residents' boats, recreational vehicles, etc. One-half (1/2) of such spaces shall be not less than 12 feet by 30 feet.

The existing 30 duplex units have 79 parking spaces, and an additional 115 parking spaces are proposed to serve the 48 multi-family units. This meets or exceeds the Zoning Ordinance's requirements for residents and guests. It should be mentioned that there are no larger spaces (existing or proposed) for the storage of boats, recreational vehicles, etc. The Applicant believes that due to the fact that Aspen Club is a rent controlled community, where residents must pre-qualify based on monthly income levels, requiring parking for boats and recreational vehicles is unnecessary. The Zoning Ordinance allows the parking requirements to be waived or reduced when an Applicant can demonstrate through its records, technical studies, shared parking agreements, or other probative evidence, that the parking requirements of this Article are in excess of what is reasonably necessary. The Zoning Administrator can grant this waiver in conjunction with approval of a Site Plan.

Planning Analysis:

As a follow-up to the Community Conversations public planning process held in 2017, the Board of Supervisors, on October 11, 2018, initiated an update to the Comprehensive Plan related to Housing. Following the initiation, a stakeholders group was formed to address the topic of affordable housing in Fauquier County. The group consisted of members of the development community, non-profit organizations as well as state housing agencies. Staff worked through surveys and a collective meeting to gather input from the diverse group to help form a set of policies for the County to diversify its housing stock and provide increased options for those who wish to live in Fauquier. Those policies have been formatted into a Housing Chapter which is proposed to be added to the Comprehensive Plan.

On February 20, 2020, staff presented the initial draft of the Comprehensive Plan Housing Chapter to the Planning Commission at its work session. The draft Housing Chapter, which is still under review, advocates for the provision of more diversified housing, specifically encouraging additional townhouse and multi-family developments. It also advocates for the provision of more housing affordable to workers earning the median income of employees in Fauquier County - housing costs estimated to be just over \$300,000 or approximately \$1,800/month. Additionally, language advocates for the dispersion of affordable housing options throughout the County; whereas, the majority of affordable housing options are currently located south of Warrenton.

Agency Comments:

Staff and the appropriate referral agencies have reviewed the application and have the following comments. Any outside agency comments are not a request, suggestion or demand for a proffer from the County. Below are the outstanding items which have yet to be addressed. Staff has noted how the items will be addressed in *italicized* language following the comments.

Zoning:

1. Proffer E.2 from the 1999 rezoning amendment required 14.93 acres of open space be provided with Phase 4 of the development and Proffer C.1 required a minimum of 33.899 acres to be provided for the overall PRD portion of the development. Phase 4A was rezoned to Garden Apartments (GA) on May 10, 2018 (REZN-18-008769) which reduced the overall PRD open space to 34.17 acres (25.67 with Cedar Brooke and 8.5 acres with Phase 4B - Aspen Village). The proposed rezoning to GA would make the remaining PRD development non-compliant with the proffers by reducing the open space below the 33.899 acres required in Proffer C.1. The Applicant responded a proffer amendment is being requested to amend the open space; however, it has not been submitted.

Provided for reference. The Board of Supervisors should consider if it is appropriate to approve this application, while simultaneously making a previous approval non-compliant.

2. The CDP has been amended to show the location of the open space. The CDP reflects 5.0 acres of open space in four (4) areas. The project is required to provide 30% open space or 2.9947 acres. The majority of the open space identified consists of stormwater management and drainage facilities. Zoning Ordinance Section 2-309.7 places the authority of administration of the open space provisions with the Planning Commission. The Commission has the authority to determine whether the lands qualify as open space. Article 15 defines open space as:

“That area provided in conjunction with the development of a lot that is intended to provide light and air and is designed for the purpose of preserving scenic, natural or historic resources, for the adaptation of a use into its surroundings, for recreational purposes or any combination thereof. Some or all of such open space may be available for entry and use by the residents or occupants of the development or by the public. Open space may include, but need not be limited to, lawns, decorative planting, walk-ways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water courses, ponds, pastureland, cropland and woodland.”

Provided for reference. As mentioned above, a majority of the Planning Commission determined that the proposal could not satisfy the 30% Common Open Space requirement with lands which they believe qualify as open space. The Board of Supervisors is advised to consider the Planning Commission's conclusion when determining its action on the application. As previously mentioned, following the Planning Commission's determination and initial Board of Supervisors' public hearing, the Applicant has added several amenities to the Concept Development Plan. See Topic Update, above.

Fauquier County Public Schools:

New residential development creates an impact on the School Division's operating and capital costs. Based on the requested development, the project will add 65 single-family detached homes which are anticipated to generate students who will enroll in Fauquier County Public Schools.

OPERATING COSTS

This development will create an impact on operating costs from new student enrollment as estimated in the following table. Each student increases operating costs by \$13,084.

Elementary school students	5
Middle school students	2
<u>High school students</u>	<u>3</u>
Total students from development	10
<u>Cost per student</u>	<u>\$13,084</u>
Total Annual Operating Costs	\$614,948

State funding offsets a portion of these costs. For school year 2019-20, the state contributes 32.93%. The remaining funds must be borne by the locality.

CAPITAL COSTS

In addition to operating costs, new development creates an impact on capital costs for schools by absorbing existing capacity and/or creating the need for additional capacity. The developer should demonstrate how they will mitigate this impact on schools.

This subdivision is currently located in the following school zones. These zones are subject to change at the discretion of the school division.

Elementary school:	Miller Elementary School
Middle school:	Cedar Lee Middle School
High school:	Liberty High School

The impact from a build-out from this development may exceed the capacity available in one or more of these schools. The impact of this development may create the need to rezone, add temporary classrooms, or expand the school.

The differential (if any) between any contribution provided by the developer for public education and the above amount must come from other forms of revenue, primarily real estate taxes and state funding.

Provided for reference.

Soils:

A Type 1 Soil Report for the parcel was completed on July 21, 1999 and the type 1 soil and type 1 drainage layers are available digitally from the GIS Department. The Type 1 Soil Report should be used in the plan since it provides the best available soils information.

Provided for reference; this information will be required to be incorporated into the future Site Plan.

Virginia Department of Transportation (VDOT):

All VDOT's comments have been addressed. Please note that regardless of what is approved with the proffers and supporting documentation, development of this project will need to meet VDOT standards including Access Management. The rezoning application does not provide the detailed engineering design assessments needed to provide final approval of any improvements.

Provided for reference; the detailed engineering design and review will occur during the Site Plan review.

Engineering:

1. In note 3, the effective date of the Flood Insurance Rate Map is February 6, 2008 and the Map Number is 51061C0410C.
2. On the final Site Plan the grading will need to be adjusted so that a minimum slope of 2 percent is maintained to the surface area of bio-retention filter 2. As shown the slope from the 299 foot contour line to the edge of the bio-retention filter is 0.0 percent.
3. On the final plan the bio-retention filters will need to be in a stormwater management easement; the drainage channel to bio-retention filter 2 will need to be in a storm drainage easement; and, a stormwater management access will need to be provided to both bio-retention filters. (Fauquier County Design Standards Manual Section 209)
4. On the final Site Plan the underdrain system will need to be shown and labeled for the two proposed bio-retention filters. (Virginia Stormwater BMP Clearinghouse Design Spec. No. 9, Section 6.7)

The comments above have been provided for reference; the detailed engineering design and review will occur during the Site Plan review.

Parks and Recreation:

The Parks and Recreation Department has no comments on the above-referenced rezoning request from Planned Residential District (PRD) to Garden Apartment (GA) for property located at 6206 Aspen Way.

Provided for reference.

Fauquier Water and Sanitation Authority (FCWSA):

The Authority has reviewed the Aspen Village Rezoning Application from PRD to GA and has no comments.

Please note that no approval of the project is either expressed or implied by this correspondence. The Authority has specific project submission and approval requirements that all applicants for service must meet. Each applicant participating in the county review process must meet the requirements of the Authority's Rules and Regulations, Utility Standards Manual, and our schedule of rates, fees, and other charges.

Provided for reference; no action required at this time.

Department of Fire Rescue and Emergency Management (DFREM):

1. All dead ends shall comply with Virginia Statewide Fire Prevention Code (SFPC) §503.2.5

The Concept Development Plan has been revised to show a fire access lane/turnaround at the end of the dead end parking area. This standard will be further evaluated during the Site Plan review.

2. The entrance/exit connected to Aspen Way shall only be used as a second access for emergency vehicle access only and not as a throughway for the public.

The Concept Development Plan has been revised to show a gate with Knox box which will restrict the accessway from being a public throughway. This standard will be further evaluated during the Site Plan review.

3. The travel area between parking spaces must be at a minimum of 20'.

Provided for reference; the detailed engineering design and review will occur during the Site Plan review.

4. Fire Apparatus must be able to have access to 360 degrees around either building within 150ft.

Provided for reference; the detailed engineering design and review will occur during the Site Plan review.

Fauquier County Sheriff's Office:

The Sheriff's has no objections to this rezoning application. It should be noted that this location may experience increased use of public safety services which has also been addressed in the "Capital Facility Mitigation" of the rezoning application.

Provided for reference.